

House Study Bill 609 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to the registration of child care homes and
2 including effective date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.173A, subsection 4, paragraph e,
2 Code 2014, is amended by striking the paragraph.

3 Sec. 2. Section 135.173A, subsection 4, paragraph f, Code
4 2014, is amended to read as follows:

5 f. ~~Three~~ Four child development home providers.

6 Sec. 3. Section 142D.2, subsection 13, Code 2014, is amended
7 to read as follows:

8 13. "*Place of employment*" means an area under the control of
9 an employer and includes all areas that an employee frequents
10 during the course of employment or volunteering, including but
11 not limited to work areas, private offices, conference and
12 meeting rooms, classrooms, auditoriums, employee lounges and
13 cafeterias, hallways, medical facilities, restrooms, elevators,
14 stairways and stairwells, and vehicles owned, leased, or
15 provided by the employer unless otherwise provided under this
16 chapter. "*Place of employment*" does not include a private
17 residence, unless the private residence is used as a child
18 care facility, ~~a child care home~~, or as a health care provider
19 location.

20 Sec. 4. Section 142D.2, subsection 16, paragraphs t and u,
21 Code 2014, are amended to read as follows:

22 t. Private residences only when used as a child care
23 facility, ~~a child care home~~, or health care provider location.

24 u. Child care facilities ~~and child care homes~~.

25 Sec. 5. Section 142D.4, subsection 1, Code 2014, is amended
26 to read as follows:

27 1. Private residences, unless used as a child care facility,
28 ~~child care home~~, or a health care provider location.

29 Sec. 6. Section 237.1, subsection 4, paragraph d, Code 2014,
30 is amended to read as follows:

31 d. Child care furnished by a child care center, or a child
32 development home, ~~or a child care home~~ as defined in section
33 237A.1.

34 Sec. 7. Section 237A.1, subsection 3, unnumbered paragraph
35 1, Code 2014, is amended to read as follows:

1 ~~"Child care"~~ means the care, supervision, and guidance of
2 a child by a person other than the child's parent, guardian,
3 grandparent, relative within the fourth degree of consanguinity
4 to the child, or custodian for periods of less than twenty-four
5 hours per day per child on a regular basis, but does not
6 include care, supervision, and guidance of a child by any of
7 the following:

8 Sec. 8. Section 237A.1, subsection 6, Code 2014, is amended
9 by striking the subsection.

10 Sec. 9. Section 237A.1, subsection 7, Code 2014, is amended
11 to read as follows:

12 7. ~~"Child development home"~~ means a person or program
13 registered under section 237A.3A that may provide child care to
14 ~~six~~ one or more children at any one time.

15 Sec. 10. Section 237A.1, subsection 11, Code 2014, is
16 amended to read as follows:

17 11. ~~"Involvement with child care"~~ means licensed or
18 registered under this chapter, employed in a child care
19 facility, residing in a child care facility, receiving public
20 funding for providing child care, or ~~providing child care as a~~
21 ~~child care home provider, or residing in a child care home with~~
22 a person receiving public funding for providing child care in
23 the person's home.

24 Sec. 11. Section 237A.3B, Code 2014, is amended to read as
25 follows:

26 **237A.3B Smoking prohibited.**

27 Smoking, as defined in section 142D.2, shall not be
28 permitted in a child care facility ~~or child care home.~~

29 Sec. 12. Section 237A.5, subsection 2, paragraph a,
30 subparagraph (1), subparagraph division (e), Code 2014, is
31 amended by striking the subparagraph division.

32 Sec. 13. Section 237A.5, subsection 2, paragraph b, Code
33 2014, is amended to read as follows:

34 b. If an individual person subject to a record check is
35 being considered for employment by a child care facility ~~or~~

1 ~~child care home provider~~, in lieu of requesting a record
2 check in this state to be conducted by the department under
3 paragraph "c", the child care facility ~~or child care home~~ may
4 access the single contact repository established pursuant to
5 section 135C.33 as necessary to conduct a criminal and child
6 abuse record check of the individual in this state. A copy of
7 the results of the record check conducted through the single
8 contact repository shall also be provided to the department.
9 If the record check indicates the individual is a person
10 subject to an evaluation, the child care facility ~~or child care~~
11 ~~home~~ may request that the department perform an evaluation as
12 provided in this subsection. Otherwise, the individual shall
13 not be employed by the child care facility ~~or child care home~~.

14 Sec. 14. Section 237A.5, subsection 2, paragraph d,
15 subparagraph (2), Code 2014, is amended to read as follows:

16 (2) Except as otherwise provided by law, the cost of a
17 national criminal history check conducted in accordance with
18 subparagraph (1) and the state record checks conducted in
19 accordance with paragraph "c" that are conducted in connection
20 with a person's involvement with a child care center are not
21 the responsibility of the department. The department is
22 responsible for the cost of such checks conducted in connection
23 with a person's involvement with a child development home ~~or~~
24 ~~child care home~~.

25 Sec. 15. Section 237A.5, subsection 2, paragraph e,
26 subparagraph (2), Code 2014, is amended to read as follows:

27 (2) Prior to performing an evaluation, the department
28 shall notify the affected person, licensee, or registrant, ~~or~~
29 ~~child care home applying for or receiving public funding for~~
30 ~~providing child care~~, that an evaluation will be conducted to
31 determine whether prohibition of the person's involvement with
32 child care is warranted.

33 Sec. 16. Section 237A.5, subsection 2, paragraph g,
34 unnumbered paragraph 1, Code 2014, is amended to read as
35 follows:

1 A person subject to a record check who is or was employed
2 by a child care facility ~~or child care home provider~~ and
3 is hired by another child care facility ~~or child care home~~
4 ~~provider~~ shall be subject to a record check in accordance
5 with this subsection. However, if the person was subject
6 to an evaluation because of a transgression in the person's
7 record and the evaluation determined that the transgression
8 did not warrant prohibition of the person's involvement
9 with child care and the latest record checks do not indicate
10 there is a transgression that was committed subsequent to
11 that evaluation, the person may commence employment with the
12 other child care facility or provider in accordance with the
13 department's evaluation and an exemption from any requirements
14 for reevaluation of the latest record checks is authorized.

15 Authorization of an exemption under this paragraph "g" from
16 requirements for reevaluation of the latest record checks by
17 the department is subject to all of the following provisions:

18 Sec. 17. Section 237A.5, subsection 2, paragraph i,
19 subparagraph (2), Code 2014, is amended to read as follows:

20 (2) If, within five years prior to the date of application
21 for registration or licensure under this chapter, for
22 employment or residence in a child care facility ~~or child care~~
23 ~~home~~, or for receipt of public funding for providing child
24 care, a person subject to an evaluation has been convicted of
25 a controlled substance offense under chapter 124 or has been
26 found to have committed physical abuse, the person shall be
27 prohibited from involvement with child care for a period of
28 five years from the date of conviction or founded abuse. After
29 the five-year prohibition period, the person may submit an
30 application for registration or licensure under this chapter,
31 or to receive public funding for providing child care or may
32 request an evaluation, and the department shall perform an
33 evaluation and, based upon the criteria in paragraph "h", shall
34 determine whether prohibition of the person's involvement with
35 child care continues to be warranted.

1 Sec. 18. Section 237A.5, subsection 2, paragraph k, Code
2 2014, is amended to read as follows:

3 k. If it has been determined that a child receiving child
4 care from a child care facility ~~or a child care home~~ is the
5 victim of founded child abuse committed by an employee,
6 license or registration holder, ~~child care home provider~~
7 person who receives public funding for providing child care or
8 an individual residing with that person, or resident of the
9 child care facility ~~or child care home~~ for which a report is
10 placed in the central registry pursuant to section 232.71D,
11 the administrator shall provide notification at the time of
12 the determination to the parents, guardians, and custodians of
13 children receiving care from the child care facility ~~or child~~
14 ~~care home~~. A notification made under this paragraph shall
15 identify the type of abuse but shall not identify the victim or
16 perpetrator or circumstances of the founded abuse.

17 Sec. 19. Section 237A.12, subsection 1, paragraph c, Code
18 2014, is amended to read as follows:

19 c. The adequacy of activity programs and food services
20 available to the children. The department shall not restrict
21 the use of or apply nutritional standards to a lunch or other
22 meal which is brought to the center, or child development
23 home, ~~or child care home~~ by a school-age child for the child's
24 consumption.

25 Sec. 20. Section 237A.13, subsection 2, Code 2014, is
26 amended to read as follows:

27 2. Services under the program may be provided ~~in~~ by a
28 licensed child care center, a registered child development
29 home, the home of a relative, the child's own home, a
30 ~~child care home~~, or in a facility exempt from licensing or
31 registration.

32 Sec. 21. Section 237A.19, subsections 2 and 3, Code 2014,
33 are amended to read as follows:

34 2. ~~If registration is required under section 237A.3A, a~~ A
35 person who establishes, conducts, manages, or operates a child

1 development home without registering or a person who operates
2 a child development home contrary to section 237A.5, commits
3 a simple misdemeanor. Each day of continuing violation after
4 conviction, or notice from the department by certified mail of
5 the violation, is a separate offense. A single charge alleging
6 continuing violation may be made in lieu of filing charges for
7 each day of violation.

8 3. A person ~~who establishes, conducts, manages, or operates~~
9 ~~a child care home in violation of section 237A.3, subsection~~
10 ~~2, or a person~~ or program that has been prohibited by the
11 department from involvement with child care but continues
12 that involvement commits a simple misdemeanor. Each day of
13 continuing violation after conviction, or notice from the
14 department by certified mail of the violation, is a separate
15 offense. A single charge alleging continuing violation may be
16 made in lieu of filing charges for each day of violation.

17 Sec. 22. Section 237A.20, Code 2014, is amended to read as
18 follows:

19 **237A.20 Injunction.**

20 A person who establishes, conducts, manages, or operates a
21 center without a license or a child development home without a
22 certificate of registration, ~~if registration is required under~~
23 ~~section 237A.3A,~~ may be restrained by temporary or permanent
24 injunction. A person who has been convicted of a crime against
25 a person, a person with a record of founded child abuse,
26 or a person who has been prohibited by the department from
27 involvement with child care may be restrained by temporary or
28 permanent injunction from providing ~~unregistered, registered,~~
29 ~~or licensed~~ any child care or from other involvement with
30 child care. The action may be instituted by the state, the
31 county attorney, a political subdivision of the state, or an
32 interested person.

33 Sec. 23. Section 237A.26, subsection 3, paragraph a, Code
34 2014, is amended to read as follows:

35 a. Organize assistance to ~~child care homes and~~ child care

1 facilities utilizing training levels based upon the child care
2 providers' degrees of experience and interest.

3 Sec. 24. Section 237A.26, subsection 8, Code 2014, is
4 amended to read as follows:

5 8. For purposes of improving the quality and consistency
6 of data collection, consultation, and other support to ~~child~~
7 ~~care home~~ and child development home providers, a resource and
8 referral services agency grantee shall coordinate and assist
9 with publicly and privately funded efforts administered at
10 the community level to provide the support. The support and
11 efforts addressed by a grantee may include but are not limited
12 to community-funded ~~child care home~~ and child development home
13 consultants. Community members involved with the assistance
14 may include but are not limited to the efforts of an early
15 childhood Iowa area board under chapter 256I, and of community
16 representatives of education, health, human services, business,
17 faith, and public interests.

18 Sec. 25. REPEAL. Section 237A.3, Code 2014, is repealed.

19 Sec. 26. EFFECTIVE DATE. This Act takes effect January 1,
20 2015.

21 Sec. 27. IMPLEMENTATION. The department of human services
22 shall adopt rules to facilitate full implementation of this Act
23 by January 1, 2015.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill requires registration of all child care homes.
28 Currently, a child care home can operate with five or fewer
29 children without registering with the department of human
30 services. The bill eliminates references to child care homes,
31 replacing that term with the term "child development home", as
32 amended by the bill, which means a person or program registered
33 to provide child care for one or more children at any time.
34 The bill does provide an exception from the registration
35 requirement for a person who provides care to one or more

H.F. _____

1 children for whom the person is a grandparent or other relative
2 within the fourth degree of consanguinity to the child. The
3 bill makes conforming changes.

4 The bill takes effect January 1, 2015, and the department
5 of human services shall adopt rules to facilitate full
6 implementation of the bill by January 1, 2015.